

**POLICY 9.06 PUBLIC RECORDS POLICY OF
HAMILTON TOWNSHIP, WARREN COUNTY**

I. Purpose:

It is the policy of Hamilton Township in Warren County, Ohio that openness leads to a better-informed citizenry, which leads to more transparent government and sounder public policy. It is our policy to strictly adhere to the state’s Public Records Act as well as other state and federal laws.

The Public Records Act evolved from the principle that Ohio’s citizens are entitled to access the records of their government. We agree that to advance that principle, the Public Records Act should be interpreted liberally in favor of disclosure.

II. Scope:

This Policy applies to all elected officials; appointed officials; full-time and part-time employees; permanent, temporary, or intermittent employees; interns; consultants; and contractors of the Township; and any other holders of Township records.

All Township employees are required to comply with this Policy. Each office or department that maintains records has a designated employee who serves as the custodian of all records created and maintained by that office or department.

The Township maintains records for the length of time determined by its retention schedules.

Under Ohio law, a public office may only create records that are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affect by the agency’s activities. In addition, the Public Records Act and this Policy applies to all of the Township’s records, regardless of where the records are kept.

III. Definitions:

The Township adopts the definitions used in the Ohio Public Records Act, Ohio Revised Code Section 149.43.

For purposes of this Policy and consistent with state law, a “record” is defined to include the following: a document in any format or medium—paper, electronic, audio, video, or any other format or medium in which the Township must conduct its business—that is created, received by, or otherwise comes under the jurisdiction of the Township that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Township.

A “public record” is a “record” that is kept by the Township at the time a public records request is made, subject to the applicable exemptions from disclosure permitted under state or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

IV. Public Records Requests

A. Timing

1. Township records are organized and maintained so that they are readily available for inspection and copying.
2. Public records maintained by the Township shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours, with the exception of the Township's published holidays. Copies of public records will be made available within a reasonable period of time.
 - a. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the requested records.
 - b. The regular business hours for the Township is 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays.
3. Record retention schedules will be updated regularly and posted wherever the Township posts its public records policy.
 - a. No record shall be removed, changed, modified or destroyed except by a Township employee in the performance of his or her official duties and as authorized under state or federal law.

B. Processing Requests

1. There is no specific language required to make a public records request. The requester must at least identify the records requested with sufficient clarity to allow the Township to identify, retrieve, and review the records. The Township is under no obligation to create new records to respond to a request. In addition, the Township has no obligation to research information that a requester might have.
2. Individuals requesting access to inspect public records and/or to receive copies of public records are not required to make a written request or reveal their identity or the reason for their request.
 - a. The Township may ask the requester to voluntarily complete a written request explaining or identifying the records they wish to inspect and/or receive copies of, particularly if it would enhance the ability of the Township to identify, locate, or deliver the requested public records. The Township will first advise the requester that a written request is not mandatory.
 - b. In no event shall an individual be denied access to inspect and/or obtain copies of public records based on their refusal to identify themselves or complete a written request.

3. The Township does not limit the number of public records that it will make available to a single person and does not limit the number of public records that it will make available during a fixed period of time.
4. If a person requests a copy of a public record, the Township shall permit the requester to have the public record duplicated on paper or upon the same medium upon which the Township maintains the public record, or upon any other medium on which the Township determines the record can reasonably be duplicated.
5. Currently incarcerated individuals are not permitted to inspect or obtain a copy of a public record concerning a criminal investigation unless the judge who imposed the sentence first finds that the information is necessary to support what appears to be a justiciable claim.
6. The Township Administrator, under the authority and direction of the Township Trustees, has designated an employee within each Township department to act as the custodian of records for their department. Authorized Township employees shall comply with the procedures outlined in this Policy to respond to all public records requests within a reasonable period of time.

C. Denying Requests

1. If a requester makes an ambiguous or overly broad request or has difficulty making a request for copies or inspection of public records and the Township cannot reasonably identify what public records are being requested, the Township may deny the request, but will provide the requester an opportunity to revise the request by informing him or her the manner in which the Township records are maintained and accessed.
2. Requests for records that are not maintained, or records that are prohibited from release pursuant to state or federal law, will be denied.
 - a. If the record that is requested is prohibited from release due to applicable state or federal law, the responsible Township employee shall respond to the requester, citing the applicable state or federal law.
 - b. If the record that is requested is not a record used or maintained by the Township, the requester will be notified that in accordance with Ohio Public Records law, the Township is under no obligation to create records to meet public record requests.
3. The Township will not provide records that do not exist at the time of the response to Public Records request, or records that are acquired after a response to a request is complete.

D. Withholding and Redacting Records

1. In certain cases, all or part of a public record might be exempted from release as a public record pursuant to state or federal law. In that situation, the Township may—or in some cases, is required to—withhold or redact records that are exempted from release. The Township will notify the requester of any withholding or redaction and make the redaction plainly visible. When a withholding or redaction is made to a requested public record, the Township will provide the requester with an explanation, including legal authority, setting forth why the information was redacted. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.
2. When a public record is in need of redaction, the Township employee will adhere to the following procedure:
 - a. Make a copy of the original record;
 - b. Place the date and name of the requester on the reproduced page;
 - c. Make the redaction (either electronically or with a black marking pen) on the reproduced page (not the original);
 - d. Make a copy of the reproduced page, which will be provided to the requester;
 - e. Attach the marked, reproduced page to the original record.

E. Costs

1. The Township may charge a requester the actual cost to make copies of responsive records. The charge for paper copies is ten (10) cents per page.
2. For videotapes, CDs, DVDs, cassette tapes, thumb drives, or for any other type of media, the fee shall be the replacement cost of the blank media. The Township may not charge the cost of labor to respond to a public records request.
3. The Township may require that the requester pay in advance the cost involved in providing the copy of the public record.
4. If a requester asks that records be mailed or delivered to them, the Township may charge the actual costs of the postage and mailing supplies or other actual costs of delivery.
5. There is no charge for e-mailed records.

F. Grievances

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person will be advised that:
 - a. they may contact the Township Administrator;

- b. file a mandamus action pursuant to R.C. 149.43(C)(1)(b); or,
- c. file a complaint with the clerk of the court of claims pursuant to R.C. 2743.75.

Effective Date: 05-08-1996; 12-20-2005; 09-29-2007; XX-XX-2019

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